

## MINUTES

### MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

**Call to Order:** Chair Jon Sonju, on March 7, 2013 at 9:00 AM, in Room 422 Capitol

#### ROLL CALL

**Members Present:**

Sen. Jon Sonju, Chair (R)  
Sen. Verdell Jackson, Vice Chair (R)  
Sen. Elsie Arntzen (R)  
Sen. Debby Barrett (R)  
Sen. Dee Brown (R)  
Sen. Tom Facey (D)  
Sen. Frederick (Eric) Moore (R)  
Sen. Kendall Van Dyk (D)  
Sen. Gene Vuckovich (D)

**Members Excused:** Sen. Sharon Stewart-Peregoy (D)

**Members Absent:** None

**Staff Present:** Linda Keim, Committee Secretary  
Pat Murdo, Legislative Services Division

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

**Hearing & Date Posted:** HB 184, 2/27/2013; HB 305, 2/27/2013; HB 308, 2/27/2013

**Executive Action:** HB 308, Be Concurred In; HB 305, Be Concurred In; HB 184, Partial; HB 463, Be Concurred In As Amended; HB 130, Partial; HB 250, Partial; HB 82, Be Concurred In.

**HEARING ON HB 184**

**Opening Statement by Sponsor:**

00:18:18 Rep. Clayton Fiscus (R), HD 46, opened the hearing on HB 184. Revise law on real estate broker liability for sale by owner by salesperson.

**Proponents' Testimony:**

00:21:31 Amy Fisher, Montana Association of Realtors (MAR)

**Opponents' Testimony:**

00:22:14 Al Smith, Montana Trial Lawyers Association (MTLA)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:24:45 Sen. Facey  
00:25:22 Mr. Smith, MTLA  
00:26:01 Sen. Facey  
00:26:45 Rep. Fiscus  
00:28:42 Sen. Jackson  
00:32:45 Rep. Fiscus  
00:33:34 Sen. Vuckovich  
00:34:23 Rep. Fiscus  
00:35:28 Sen. Barrett  
00:35:37 Miss Fisher, MAR  
00:36:30 Sen. Facey  
00:38:14 Rep. Fiscus

**Closing by Sponsor:**

00:39:33 Rep. Fiscus

**HEARING ON HB 305**

**Opening Statement by Sponsor:**

00:41:43 Rep. Mike Lang (R), HD 35, opened the hearing on HB 305. Generally revise laws regarding demonstrator license plates.

**Proponents' Testimony:**

00:43:05 Jim Stanger, Helena Motors (HM), Helena Auto Center (HAC)  
00:43:52 Bruce Spencer, Montana Automobile Dealers Association (MADA)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:45:15 Sen. Brown  
00:45:43 Mr. Stanger, HM

**Closing by Sponsor:**

00:46:35 Rep. Lang

**HEARING ON HB 308**

**Opening Statement by Sponsor:**

00:47:19 Rep. Mike Lang (R), HD 35, opened the hearing on HB 308. Revise qualifications for the Montana board of real estate appraisers.

**Proponents' Testimony:**

00:48:37 Myron Malnaa, American Society of Farm Managers and Rural Appraisers (ASFMRA)  
00:50:03 Brenda DeVries, Certified General Appraiser, American Society of Farm Managers and Rural Appraisers (ASFMRA)

**Opponents' Testimony:** None

**Informational Testimony:** None

00:50:20 Sen. Jackson left the hearing.

**Questions from Committee Members and Responses:**

00:51:00 Sen. Vuckovich  
00:51:23 Rep. Lang  
00:51:43 Miss DeVries, ASFMRA  
00:53:11 Sen. Brown  
00:53:25 Miss DeVries

**Closing by Sponsor:**

00:53:52 Rep. Lang

**EXECUTIVE ACTION ON HB 308**

00:55:11 **Motion/Vote:** Sen. Facey moved that **HB 308 BE CONCURRED IN**. Motion carried 10-0 by voice vote. Sen. Jackson and Sen. Stewart-Peregoy voted by proxy. Sen. Facey will carry the bill.

**EXECUTIVE ACTION ON HB 305**

00:55:44 **Motion/Vote:** Sen. Facey moved that **HB 305 BE CONCURRED IN**. Motion carried 10-0 by voice vote. Sen. Jackson and Sen. Stewart-Peregoy voted by proxy. Sen. Sonju will carry the bill.

**EXECUTIVE ACTION ON HB 184**

00:56:50 **Motion:** Sen. Facey moved that **HB 184 BE CONCURRED IN**.

**Discussion:**

00:57:06 Sen. Brown

00:57:35 Sen. Facey

00:59:33 Sen. Vuckovich

00:59:37 Sen. Arntzen

01:00:22 Pat Murdo, Legislative Services Division (LSD)

01:00:30 Without objection, Sen. Facey withdrew the BE CONCURRED IN motion.

**EXECUTIVE ACTION ON HB 463**

01:01:05 Chairman Sonju

01:01:11 **Motion:** Sen. Facey moved that **HB 463 DO PASS**.

01:01:33 **Motion:** Sen. Facey moved that **HB 463 BE AMENDED**.  
[EXHIBIT\(bus49a01\)](#)

**Discussion:**

01:02:07 Sen. Sonju

01:02:25 Pat Murdo, LSD

01:02:52 **Vote:** Motion carried 10-0 by voice vote. Sen. Jackson and Sen. Stewart-Peregoy voted by proxy.

01:03:06 **Motion/Vote:** Sen. Facey moved that **HB 463 BE CONCURRED IN AS AMENDED**. Motion carried 10-0 by voice vote. Sen. Jackson and Sen. Stewart-Peregoy voted by proxy. Sen. Vuckovich will carry the bill.

**Committee Business:**

01:03:41 Sen. Brown

01:04:07 Chairman Sonju

01:04:33 Pat Murdo

**EXECUTIVE ACTION ON HB 130**

01:05:05 **Motion:** Sen. Facey moved that **HB 130 BE CONCURRED IN.**

**Discussion:**

01:05:17 Pat Murdo  
01:10:09 Sen. Facey

01:11:38 **Motion:** Sen. Facey moved that **HB 130 BE AMENDED.**  
**EXHIBIT(bus49a02)**

**Discussion:**

01:11:56 Chairman Sonju  
01:12:01 Sen. Facey  
01:12:22 Sen. Arntzen  
01:12:27 Pat Murdo  
01:13:04 Sen. Arntzen  
01:13:19 Sen. Facey  
01:14:51 Sen. Brown  
01:15:16 Pat Murdo

01:17:30 **Vote:** Motion failed 5-5 by roll call vote with Sen. Barrett, Sen. Facey, Sen. Stewart-Peregoy, Sen. Van Dyk and Sen. Vuckovich voting aye. Sen. Jackson and Sen. Stewart-Peregoy voted by proxy.

01:17:42 Chairman Sonju

(Note: The next vote is on HB 130 Be Concurred In, the original motion.)

01:18:54 **Vote:** Motion failed 5-5 by roll call vote with Sen. Arntzen, Sen. Brown, Sen. Jackson, Sen. Moore and Sen. Sonju voting aye. Sen. Jackson and Sen. Stewart-Peregoy voted by proxy.

**Committee Business:**

01:19:03 Sen. Facey  
01:19:40 Chairman Sonju  
01:19:45 Sen. Facey

**EXECUTIVE ACTION ON HB 250**

**Discussion:**

01:20:11 Chairman Sonju  
01:20:23 Pat Murdo

**EXHIBIT(bus49a03)**

01:20:28 Sen. Jackson returned to the hearing.

01:20:54 **Motion:** Sen. Facey moved that **HB 250 BE CONCURRED IN.**

**Discussion:**

01:21:09 Chairman Sonju

01:21:15 Sen. Facey

01:21:19 Pat Murdo

01:23:04 **Motion:** Sen. Facey moved that **HB 250 BE AMENDED.**

**EXHIBIT(bus49a04)**

**Discussion:**

01:23:19 Chairman Sonju

01:23:29 **Vote:** Motion carried 6-4 by roll call vote with Sen. Arntzen, Sen. Barrett, Sen. Jackson and Sen. Moore voting no. Sen. Stewart-Peregoy voted by proxy.

01:25:07 **Motion:** Sen. Facey moved that **HB 250 BE CONCURRED IN AS AMENDED.**

**Discussion:**

01:25:17 Sen. Moore

01:25:51 Sen. Jackson

01:25:59 Pat Murdo

01:25:23 Sen. Arntzen

01:26:56 Pat Murdo

01:27:33 Sen. Moore

01:31:31 Chairman Sonju

01:31:39 Sen. Vuckovich

01:32:24 Sen. Barrett

01:33:01 Sen. Facey

01:33:19 Chairman Sonju

01:34:38 Sen. Brown

01:35:53 Sen. Barrett

01:36:38 Sen. Arntzen

01:37:36 Sen. Barrett

01:37:59 Chairman Sonju

01:38:15 Pat Murdo

01:39:31 Sen. Vuckovich

01:39:39 **Vote:** Motion failed 5-5 by roll call vote with Sen. Facey, Sen. Sonju, Sen. Stewart-Peregoy, Sen. Van Dyk and Sen. Vuckovich voting aye. Sen. Stewart-Peregoy voted by proxy.

01:40:34 Sen. Facey

01:40:52 Sen. Van Dyke left the hearing.

**Committee Business:**

01:40:58 Chairman Sonju  
01:41:04 Pat Murdo  
01:41:13 Sen. Facey  
01:41:48 Chairman Sonju

**EXECUTIVE ACTION ON HB 82**

01:42:11 **Motion:** Sen. Facey moved that **HB 82 BE CONCURRED IN.**

**Discussion:**

01:42:20 Sen. Facey  
01:43:04 Sen. Moore  
01:43:19 Pat Murdo  
01:44:23 Sen. Moore  
01:44:26 Pat Murdo  
01:45:12 Chairman Sonju

01:45:16 **Vote:** Motion carried 10-0 by voice vote. Sen. Stewart-Peregoy and Sen. Van Dyk voted by proxy. Sen. Facey will carry.

**Committee Business:**

01:46:39 Chairman Sonju  
01:47:01 Pat Murdo

**ADJOURNMENT**

Adjournment: 10:37 A.M.

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Linda Keim, Secretary

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Additional Documents:

**EXHIBIT([bus49aad.pdf](#))**